Military Police Complaints Commission

2009-2010

Departmental Performance Report

The Honourable Peter G. MacKay
Minister of National Defence

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Chairperson's Message

I am pleased to present the Military Police Complaints Commission's (the Commission) *2009-10 Departmental Performance Report* (DPR).

The Commission was established by the Government of Canada to provide independent civilian oversight of the Canadian Forces Military Police, effective December 1, 1999. This was executed by an amendment to the *National Defence Act*, Part IV of which sets out the full mandate of the Commission and how complaints are to be handled. As stated in Issue Paper No. 8, which accompanied the Bill that created the Commission, its role is "to provide for greater public accountability by the military police and the chain of command in relation to military police investigations." On December 1, 2009, the Commission celebrated a decade of oversight leadership and service.

The Commission identified two priorities in its *2009-2010 Report on Plans and Priorities*: improving the effectiveness and efficiency of the complaints resolution process and improving governance. I am pleased the Commission has effectively addressed these priorities while responding to significant workload demands, increasingly complex cases, and challenges associated with the Afghanistan Public Interest Hearings.

During 2009-10, the Commission delivered its Outreach Program to five (5) Canadian Forces bases to increase awareness in the military police community regarding the Commission's mandate and complaints' resolution processes. Through these visits, further insight is also gained into the many challenges faced by the Military Police.

The Commission also took a number of important initiatives to further reinforce the effectiveness of its operations. These initiatives included: collaborations in a working group with representatives of other Administrative Tribunals resulting in the development and implementation of common protocols for the website publication of tribunal decisions; an operations workshop for investigators, legal staff, registry and other operational staff to review current procedures, best practices, professional standards and opportunities to further strengthen its operations; and a management review to assess the information technology environment and the adequacy of systems and procedures.

On December 11, 2009, I was honoured to have been appointed Acting Chairperson of the Commission. The Commission's performance and accomplishments are a reflection of the dedication and professionalism of Commission staff. I very much appreciate their exceptional efforts and support. I would also like to recognize the ongoing contributions of the Canadian Forces Provost Marshal, professional standards staff and the broader military police community to the oversight work of the Commission.

Glenn Stannard
Chairperson
September 16, 2010

SECTION I – DEPARTMENTAL OVERVIEW

1.1 Summary Information

Raison d'être

On behalf of all Canadians, the Military Police Complaints Commission (the Commission) exists to provide greater public accountability by the military police and the chain of command in relation to military police activities. The Commission derives its mandate from Part IV of Canada's *National Defence Act*.

Responsibilities

Anyone, including civilians, may make a complaint about military police conduct including those individuals not directly affected by the subject matter of the complaint. Such complaints are handled in the first instance by the Canadian Forces Provost Marshal (CFPM) and the Commission monitors the CFPM's investigations. The Commission may at any time during a CFPM investigation, assume responsibility for the investigation or call a public hearing if it is deemed in the public interest to do so. Complainants can request the Commission review the complaint if they are not satisfied with the results of the CFPM's investigation or the disposition of the complaint.

A member of the military police conducting or supervising an investigation is also able to complain about improper interference encountered in the conduct of an investigation. The Commission has exclusive jurisdiction over complaints of interference.

The Commission ensures the military police complaints process is accessible, transparent and fair to all concerned. The Commission, in its review of conduct or interference complaints, identifies and makes recommendations regarding opportunities for improvement, be it in the conduct of individual military police members or in systemic areas such as the policies and procedures that govern the conduct of all military police. These recommendations for change, when implemented, support the military police in maintaining the highest standards of professional conduct and in assuring the integrity of military police investigations. The effective discharge of the oversight activity by the Commission also provides assurance to members of the Canadian Forces, and ultimately to all Canadians, that they are being served by a military police service of the highest quality.

The Commission is a micro-agency. Operating out of Ottawa, the Commission currently has 19 full time employees (FTEs) and a program budget of $3.4 million. As a result of the Public Interest Hearing and the Federal Court application, the Commission requested and received an additional $5.0 million over three fiscal years ending in 2010-11.

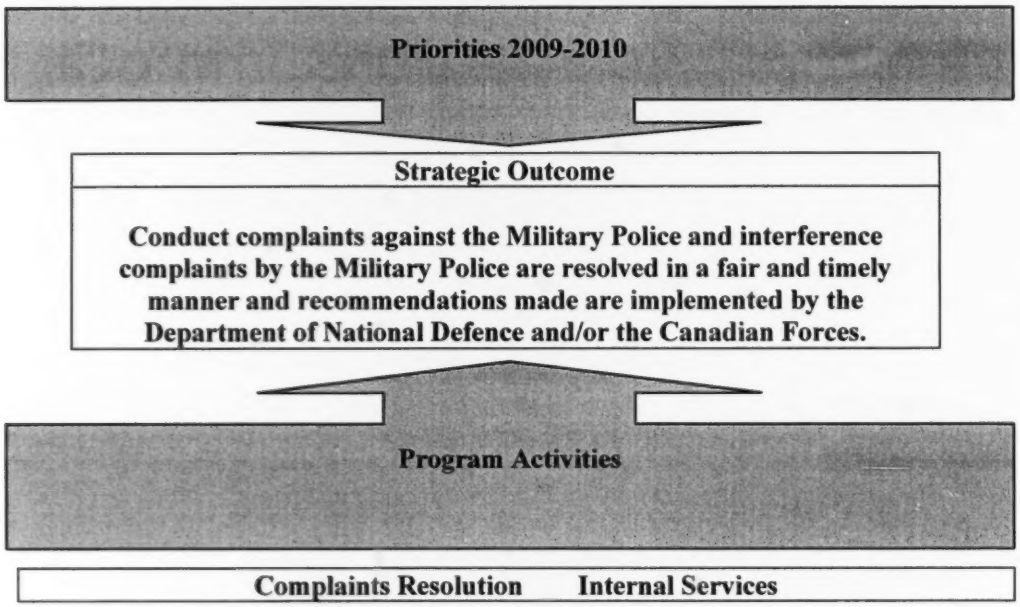
The Commission is one of eight distinct but related organizations in the Defence Portfolio. It reports to Parliament through the Minister of National Defence. However, all members of the Commission are civilians, and totally independent of the Department of National Defence and the Canadian Forces.

Strategic Outcome and Program Activity Architecture

The Commission has one strategic outcome: to ensure conduct complaints against the military police and interference complaints by the Military Police are resolved in a fair and timely manner, and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.

Program Activity Architecture

Improving the effectiveness and efficiency of the complaints resolution program	Improving Governance


Priorities 2009-2010
Strategic Outcome
Conduct complaints against the Military Police and interference complaints by the Military Police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.
Program Activities
Complaints Resolution
Internal Services

1.2 Summary of Performance

Financial and Human Resources

2009-10 Financial Resources ($ thousands)		
Planned Spending	Total Authorities	Actual Spending
$6.0M	$7.0M	$4.7M
2009-10 Human Resources (FTEs)		
Planned	Actual	Difference
22 FTEs	14 FTEs	8 FTEs

As a result of the Public Interest Hearing and the Federal Court application, the Commission requested and received an additional $5.0 million over three fiscal years: $1.2 million in 2008-09; $2.6 million and 3 FTEs in 2009-10; and $1.2 million and 2 FTEs in 2010-11.

Strategic Outcome: Conduct complaints against the Military Police and interference complaints by the Military Police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.

Performance Indicator	Target	2009-10 Performance
1. Improving the effectiveness and efficiency of the complaints resolution process	Ongoing	Successfully Met
2. Improving governance	Ongoing	Successfully Met

Program Activity	2008-09 Actual Spending ($ thousands)	2009-10 ($ thousands)				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities[1]	Actual Spending[2]	
Complaints Resolution	**$3,054**	**$4,480**	**$4,480**	**$5,243**	**$3,507**	**Maintaining safe and secure communities in Canada and abroad**
Internal Services	**$1,018**	**$1,493**	**$1,493**	**$1,748**	**$1,169**	

Notes:

1. Includes $1.018M received in the Supplementary Estimates primarily for the costs of conducting the Public Interest Hearing and of responding to judicial challenges to the Commission's mandate in Federal Court.
2. Includes $1.395M spent on the Public Interest Hearing and Federal Court costs.

Contribution of Priorities to Strategic Outcome

Operational Priorities	Type	Performance Status	Linkage to Strategic Outcome
1. Improving the effectiveness and efficiency of the complaints resolution process. Resolution of complaints in a timelier manner and the provision of meaningful recommendations increase the likelihood that the specific and systemic issues identified for change will be agreed upon and the improvements recommended will be implemented. The changes made will improve the quality of military policing and contribute directly to maintaining the confidence and support of those the Military Police serve.	Ongoing	Successfuily Met 100% of the Final Reports' recommendations were accepted by the Canadian Forces Provost Marshal (CFPM).	Conduct complaints against the Military Police and interference complaints by the Military Police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces. The Commission can do no better than to have 100% of its recommendations accepted. However, the Commission will continue work with its partners in DND and the CF to identify additional opportunities for collaboration that may further streamline the complaints resolution process and contribute to the quality of recommendations made.
Management Priorities	**Type**	**Performance Status**	**Linkage to Strategic Outcome**
2. Improving governance The Commission continues to seek ways to work more efficiently, in compliance with the requirements of both the Commission and the central agencies, while ensuring its resources are applied in a manner to achieve the best results.	Ongoing	Successfully Met 100% completed Various initiatives were undertaken including: - implementation of 21 management and accountability policy frameworks; - implementation of recommendations from 3 audits on: contracting for professional services; expenditure controls of high risk payments; and travel and hospitality. - 2 management reviews	Provide effective governance to assist in the effectiveness of the complaints resolution process.

Operational Priorities	Type	Performance Status	Linkage to Strategic Outcome
		were undertaken: one on Information Technology and one on the Performance Measurement Framework.	
The Commission will continue to review and strengthen its staffing, succession planning, and knowledge retention practices wherever needed in order to ensure the continued effective delivery of Commission services.		Staffing, contracting and service agreements with other government departments provided the Commission with a relatively stable, qualified, and experienced work force.	Provide resources and expertise to efficiently and effectively deliver programs and services of the MPCC in order to meet its mandate.

Risk Analysis

Capacity and Timeliness

The Commission continues to address issues that are both unique and complex. In addition, the time required to conduct investigations and to complete the necessary research and analysis is increasing. The complexity of the cases is resulting in thousands of pages of evidence and the need to identify, schedule and interview multiple witnesses across Canada and abroad. All of these factors contribute to extending the duration of an investigation and the length of time required to write Interim and Final Reports. The additional time involved increases the costs. The Commission will continue to examine opportunities for other options such as the use of technology in order to identify further cost and time savings.

Resources

The Commission is not resourced to conduct large Public Interest Hearings. Prior to 2008-09, the Commission had one public interest hearing which cost approximately $100 thousand and was paid for out of the existing resource base. However, the estimated cost of the public interest hearing regarding the handling of Afghanistan detainees was beyond the existing resources of the Commission. As a result, the Commission sought and obtained additional funds over the three year period ending in 2010-11 to cover the one-time costs of both the Public Interest Hearing and Federal Court challenges. Should such a requirement arise once again, additional funding will again need to be obtained and perhaps consideration of a permanent increase in its reference level.

Collaboration

The Commission will continue its practice of ongoing discussions with the Canadian Forces Provost Marshal and senior military police staff to address and resolve issues and even further strengthen the complaints resolution process. It will also continue its mutually beneficial collaborations with other government departments and agencies, professional associations and intra-government affiliations.

Recommendations for improvements in the Commission's Interim and Final reports are not binding on the Canadian Forces and the Department of National Defence. The Commission will continue to foster quality working relationships in order to facilitate the conduct of the investigations and the likelihood that recommendations will be accepted and implemented. For the 4th year in a row, 100% of the Commission's recommendations have been accepted for implementation by the CFPM.

Human Resource Planning

The success the Commission has achieved is due in large part to its knowledgeable and stable workforce. But like all small and micro-agencies, it is difficult to retain employees when, for the most part, the size and flatness of the organization limit opportunities for advancement.

The Commission undertook a review of its organization structure and amended it to ensure adequate succession planning, provide opportunities for advancement and realigned positions to stabilize the Commission in areas such as the Registry, Information Technology, legal, and Finance. The Commission will continue to stress effective human resource planning, anticipating potential staff turnover and developing staffing strategies to help ensure that knowledge is retained and vacancies are quickly filled.

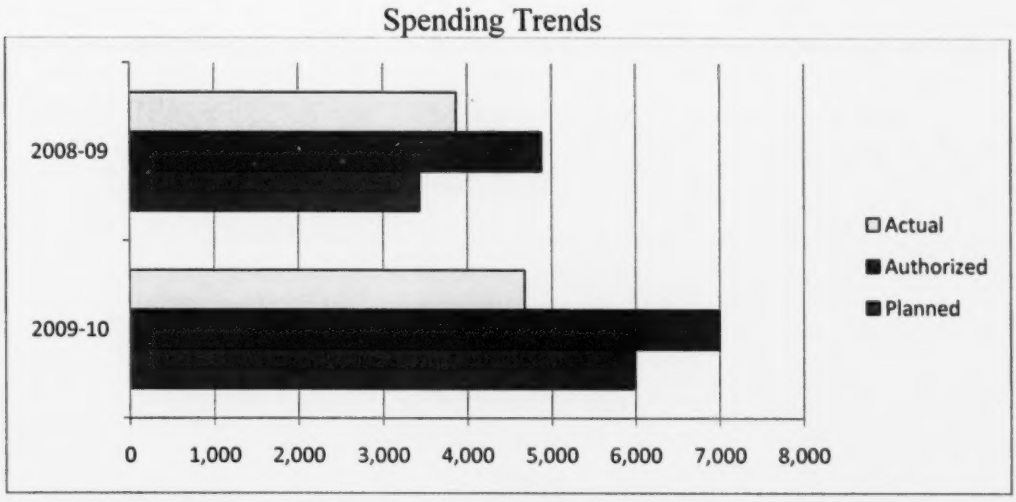
Expenditure Profile

The Commission works effectively with a reference level of $3.4M to support its program activities regarding Complaints Resolution and Internal Services which also includes the Office of Chairperson.

Due to the Afghanistan Public Interest Hearing, the financial resources of the Commission have increased for the three year period ending 2010-11. As mentioned earlier, the Commission sought and received additional funding to address the Public Interest Hearing and the related Federal Court applications.

Almost the entire amount can be attributed to the costs of the Public Interest Hearing and the Federal Court challenges. The actual costs charged to the Hearing were $1.077 million; the remainder of the costs, in excess of $300 thousand, were absorbed by the Commission.

The spending trends set out below show the changes and identify the costs related to the Public Interest Hearing.



Voted and Statutory Items ($ thousands)

Vote or Statutory Item	Truncated Vote or Statutory Wording	2007-08	2008-09	2009-10	
		Actual Spending	Actual Spending	Main Estimate	Actual Spending
20	Program expenditures	2,726	3,627	5,665	4,408
(S)	Contributions to employee benefit plans	183	240	308	268
	Total	2,909	3,867	5,973	4,676

SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

2.1 Strategic Outcome: Conduct complaints against the Military Police and interference complaints by the Military Police are resolved in a fair and timely manner and recommendations made are implemented by the Department of National Defence and/or the Canadian Forces.

Complaints Resolution

This activity focuses on successfully resolving complaints about the conduct of military police members as well as complaints of interference with military police investigations. There are two types of complaints – conduct complaints and interference complaints. A brief description of the process supporting each type of complaint follows:

Conduct Complaints

Anyone may make a conduct complaint regarding the Military Police in the performance of their policing duties or functions, including those individuals not directly affected by the subject matter of the complaint. The Canadian Forces Provost Marshal (CFPM) is responsible for dealing with complaints about military police conduct in the first instance. The Commission has the authority to monitor the steps taken by the CFPM as it responds to complaints, and to intervene as required.

Conduct Complaints Process

Conduct Complaint Filed

Anyone may make a conduct complaint regarding the Military Police in the performance of their duties or functions, including individuals not directly affected by the subject matter of the complaint. Such complaints are initially dealt with by the CFPM. Informal resolution is encouraged.

Complaint Investigated by the Canadian Forces Provost Marshal

As the CFPM investigates a complaint, the Commission monitors the process. At the conclusion of the investigation, the CFPM provides a copy of the Report of Findings and Actions to the Commission. The Commission may at any time during the CFPM investigation, assume responsibility for the investigation or call a public hearing if it is deemed to be in the public interest to do so.

Request for Review

Complainants can request the Commission review the complaint if they are not satisfied with the results of the CFPM's investigation or disposition of the complaint.

Commission Reviews Complaint

At a minimum, this process involves a review of documentation related to the CFPM's investigation. Most often, it also includes interviews with the complainant, the subject of the complaint, and witnesses, as well as reviews of relevant legislation and police policies and procedures.

Commission Releases Interim Report

At the completion of the review, the Chairperson forwards the Interim Report to the Minister of National Defence, the Chief of Defence Staff and the CFPM setting out the findings and recommendations regarding the complaints.

Notice of Action

The Notice of Action is the official response by the Canadian Forces to the Interim Report and it outlines what action, if any, has been or will be taken in response to the Commission's recommendations.

Commission Releases Final Report

After considering the Notice of Action, the Commission issues a Final Report of findings and recommendations. The Final Report is provided to the Minister, the Deputy Minister, the Chief of Defence Staff, the Judge Advocate General, the CFPM, the complainant and the subject of the complaint, as well as anyone who has satisfied the Commission that they have a direct and substantive interest in the case.

Interference Complaints

The Commission has the exclusive authority to deal with interference complaints. Any member of the Military Police who conducts or supervises a military police investigation and believes a member of the CF or a senior official of the DND has interfered with, or attempted to influence a military police investigation, may file a complaint with the Commission. This process recognizes the special situation of the Military Police, who are both peace officers and members of the CF subject to military command.

Interference Complaints Process

Interference Complaint Filed

Members of the Military Police who conduct or supervise investigations may complain about interference in their investigations.

Commission Investigates

The Commission has sole jurisdiction over the investigation of interference complaints. A preliminary review is conducted to determine whether an investigation should be initiated, the scope of the investigation and how to approach the investigation. Once this is completed, the Commission commences an investigation.

Commission Releases Interim Report

The Interim Report includes a summary of the Commission's investigation, as well as its findings and recommendations. This report goes to the Minister of Defence; the Chief of Defence Staff if the alleged interference was carried out by a member of the military or to the Deputy Minister if the subject of the complaint is a senior official of the Department; the Judge Advocate General; and the CFPM.

Notice of Action

This official response to the Interim Report indicates the actions, if any, which have been or will be taken to implement the Commission's recommendations.

The Commission Releases Final Report

Taking into account the response in the Notice of Action, the Commission prepares a Final Report of its findings and recommendations in the case. The Final Report is provided to the Minister; the Deputy Minister; the Chief of Defence Staff; the Judge Advocate General; the CFPM; the complainant and the subject(s) of the complaint, as well as anyone who has satisfied the Commission that they have a direct and substantive interest in the case.

Conduct and Interference Complaints

The complaints resolution process results in Interim and Final Reports containing findings and recommendations which identify opportunities for individual or systemic improvements, where required. Conduct and interference complaint cases reviewed by the Commission represent the widest possible range and complexity involving legislative, policy, procedural, training, supervision and other issues. Recommendations, when implemented, are designed to improve the quality of policing which, in turn, will contribute to maintaining the confidence and support of those the Military Police serve.

Public Interest Investigations and Hearings

At any time when it is in the public interest, the Chairperson may initiate an investigation into a complaint about police conduct or interference in a police investigation. If warranted, the Chairperson may decide to hold a public hearing. In exercising this statutory discretion, the Chairperson considers a number of factors including, among others:

- Does the complaint involve allegations of especially serious misconduct?
- Do the issues have the potential to affect confidence in Military Police or the complaints process?
- Does the complaint involve or raise questions about the integrity of senior military or DND officials, including senior Military Police?
- Are the issues involved likely to have a significant impact on Military Police practices and procedures?
- Has the case attracted substantial public concern?

Reports on public interest cases, as well as summaries of complaints that have been investigated and reviewed by the Commission, are available on its website at http://www.mpcc-cppm.gc.ca/300/300_e.aspx.

2.1.1 Program Activity: Complaints Resolution

Program Activity					
2009-10 Financial Resources ($ 000)			2009-10 Human Resources (FTEs)		
Planned Spending	Total Authorities	Actual Spending	Planned[1]	Actual[2]	Difference
$4,480	$5,243	$3,507	13 FTEs	8 FTEs	5 FTEs

Notes:

1. Includes 3 FTEs for the Public Interest Hearing and of responding to judicial challenges to the Commission's mandate in Federal Court.
2. Includes 3 FTEs utilized for the Public Interest Hearing and Federal Court activities.

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
To successfully resolve complaints about the conduct of military police members, as well as complaints of interference with military police investigations, by overseeing and reviewing all complaints received. This program is necessary to help the military police be as effective and as professional as possible in their policing duties and functions.	Recommendations resulting from investigations of conduct or interference complaints are accepted by the Department of National Defence and/or the Canadian Forces.	70% of the recommendations accepted	Exceeded 100% accepted	30 recommendations accepted
	Investigations of conduct or interference complaints are resolved within targeted timeframes as established by the Commission Chair.	70% resolved within adjusted time frames established by the Commission Chair	Successfully Met	Weekly case status meetings were held by operations staff. Case status reports were circulated in advance of meetings. Deadlines/target dates were discussed and approved by the Chairperson. At times, strict adherence to the critical path was not possible due to a variety of factors such as deployments, witness unavailability, competing priorities or the complexity of investigations.

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
	70% of individual members receive remedial measures and/or improvements were made to military police policies and practices pursuant to investigations of conduct or interference complaints.	70% of recommendations implemented	Exceeded - 100% implemented	30 recommendations implemented
Presentations given on the mandate, role and responsibilities of the Commission.	Number of presentations given.	10 presentations	Successfully Met	Multiple presentations and information sharing sessions regarding the Commission's activities, expertise and experience e.g. 5 Outreach Program bases visits; participation in and hosting of CACOLE annual meeting; presentations at 2 international oversight conferences (Jordan and South America); presentation to a university military law class; collaborations and protocol development with other Tribunals for the posting of decisions on its websites; participation in various intra-government Small Agencies' working groups initiatives.

2.1.2 Internal Services

Program Activity					
2009-10 Financial Resources ($ 000)			2009-10 Human Resources (FTEs)		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
$1,493	$1,748	$1,169	9 FTEs	6 FTEs	3 FTEs

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
Governance – recommendations from the MAF assessment are implemented	% of MAF recommendations implemented	100%	Successfully Met 100%	All recommendations have been implemented e.g. processes and procedures clarified and integrated into Financial Management Framework; greater clarity to the Commission's annual ATIP report; clarification of various roles and responsibilities and their integration into the appropriate documents.
Planned management reviews are completed	# of management reviews completed	2 per year	Successfully Met 100%	Management Review of Information Technology and Information Management. Management Review of Performance Measurement Framework.
Review and update of the policy suite completed	% of policy suite reviewed and updated	100%	Successfully Met 100%	100% of the policy suite reviewed and updated.
Human resource strategy and learning plans	Number of employees with learning plans	100%	Successfully Met 100%	100% of employees have learning plans.

2.2 Canada's Economic Action Plan

The Commission did not receive funding under Canada's Economic Action Plan.

2.3 Benefits for Canadians

The Commission's strategic outcome is: Conduct complaints against the military police and interference complaints by the military police are resolved in a fair and timely manner and commendations made are implemented by the Department of National Defence and/or the Canadian Forces.

Program activities by the Commission in support of this strategic outcome provide important benefits to Canadians as well as being consistent with, and complementary to, the Government of Canada's outcome of a safe and secure Canada. The police play a critical role in any democratic society. For Canadians, the important social value of the Commission is not only its transparent and accountable oversight of, and investigations into, military police conduct or interference complaints. It is also related to serving the public interest and to maintaining Canadians confidence that if there is misconduct, it will be addressed in accordance with the rule of law. Public trust is essential for effective policing.

2.4 Performance Analysis

During 2009-10, the Commission monitored the Canadian Forces Provost Marshal's (CFPM) investigations of forty-two (42) complaints about military police conduct. There was one interference complaint received during the year.

The Commission issued seventeen (17) reports during the fiscal year, which included eleven (11) final reports, and six (6) interim reports. There was a total of thirty (30) Commission recommendations on interim and final reports, one hundred percent (100%) of which were accepted for implementation by the CFPM or the Chief of the Defence Staff, as was the case in the three previous years.

In addition to its normal heavy workload, the Commission addressed two major issues associated with the Afghanistan Public Interest Cases and the challenges to transparency and accountability associated with privacy and access to information.

(1) Afghanistan Public Interest Cases: Since 2007 the Commission has been investigating a series of complaints regarding military police conduct in relation to the handling of detainees in Afghanistan.

The first complaint was from Dr. Amir Attaran, a University of Ottawa professor, regarding the treatment of a particular group of detainees with apparent injuries in April

2006. The Commission conducted a public interest investigation and initially released its Final Report in April 2009 after receiving a Notice of Action from the CFPM in response to the Interim Report completed in December 2008. The Final Report was reissued on November 3, 2009 following Commission negotiations with CF representatives which resulted in a significant reduction in the amount of information redacted from the report due to national security or confidentiality concerns.

The other complaints were from Amnesty International Canada and the British Columbia Civil Liberties Association (Amnesty/BCCLA). These complaints are categorized as the 'transfer' complaint and the 'failure to investigate' complaint. The 'transfer' complaint alleged that detainee transfers by members of the Military Police were taking place without due regard to possible post-transfer mistreatment. The 'failure to investigate' complaint alleged that members of the Military Police should have investigated the detainee transfers for breaches of national or international law.

The Commission's progress with Public Interest Hearings to examine these complaints, which commenced in May 2009, was delayed due to ongoing challenges with gathering documents and access to witnesses and by legal challenges in Federal Court to the scope of the Commission's mandate to investigate these complaints.

The Commission sought leave to appeal the September 16, 2009 ruling by Justice Harrington that it lacked the jurisdiction to investigate and hold hearings into the 'transfer complaints'. On December 4, 2009 the Federal Court of Appeal denied the Commission's request.

The Commission subsequently held a case conference and determined that all documents requested by the Commission should be provided by February 2010, and hearings would reconvene in March 2010.

(2) Challenges to Transparency and Accountability (Privacy and Access to Information)

The Commission has a duty to ensure transparency and accountability in its processes and to serve the public's right to know, especially in cases deemed in the public interest. In 2009 there were further developments associated with an ongoing issue related to the Commission's practice of posting its public interest decisions in their entirety on its website.

This public interest practice has not yet been accepted by the Office of the Privacy Commission (OPC) based on its preference for random initials instead of actual case names. The OPC is also of the view that informed public debate about, and confidence in, the integrity of tribunal proceedings are not hindered by non-disclosure of participants' names. The OPC does accept, however, the Commission's practice of publishing depersonalized case summaries of conduct and interference complaints (those not deemed as public interest cases) on its website.

In 2009, two important, related initiatives were undertaken:

- The Commission was a member of a working group comprising a number of other Administrative Tribunals which developed and recommended protocols to the Heads of the Federal Administrative Tribunals Forum regarding the posting of decisions on websites. These recommendations were accepted by the Forum in May 2009, after which a statement regarding the use of personal information in decisions and posting of decisions on websites was issued. Such action ensures greater commonality in the Tribunals approaches and also addresses, in large measure, an earlier observation of the OPC regarding apparent inconsistency among the Tribunals' approaches.

- The Commission joined with three other Tribunals and obtained, on November 24, 2009, intervenor status in a case before the Federal Court. This case involves important legal issues regarding an individual's challenge to the right of an independent, statutory tribunal to report personal information in the course of conducting an investigation or rendering a report. This includes posting on the Internet based on the 'open court' principle.

Complementary to the Commission's efforts to address various workload challenges, it also addressed its two 2009-10 priorities: PRIORITY 1: Improving the Effectiveness and Efficiency of the Complaints Resolution Process and PRIORITY 2: Improving Governance.

PRIORITY 1 - Improving the Effectiveness and Efficiency of the Complaints Resolution Process

Highlighted below in bold are the five planning elements contained in the Commission's 2009-10 RPP to support the achievement of PRIORITY 1, along with a summary paragraph (s) of related performance and activities carried out for each of these elements.

Plan, Conduct and Report the Results of its Investigations

The quality of the Commission's complaints' resolution process remains high as evidenced by the 100% acceptance and implementation of Commission recommendations. The recommendations regarding process and timing resulting from the review of the critical path have been implemented.

However, it should be recognized that although costs and timeframes are monitored throughout the investigation and report writing stages of the complaints resolution process, the achievement of targets (no matter how carefully and realistically established) can still be influenced by the unpredictability of workload and the varying scope, number and complexity of complaints received.

The Commission measures its performance against the achievement of its strategic outcome in two very critical areas – are complaints resolved in a fair and timely manner

and are recommendations resulting from investigations implemented by the Department of National Defence and/or the Canadian Forces. During 2009-10, the Commission continued to perform well in both of these areas.

Through its investigations, the Commission strives to assure fairness to both complainants and subject members at every stage of the process. With regard to the acceptance and implementation of recommendations, it should be noted that the Notice of Action, the official response to the Interim Report, outlines what action, if any, has been or will be taken in response to the Commission's recommendations. Generally, prior to the issuance of the Final Report, the Commission follows up to determine whether or not its recommendations have been implemented. For 2009-10, 100% of the Commission's recommendations were accepted and implemented. This is the fourth year in a row that the Commission had 100% acceptance and implementation.

Timeliness is a constant theme in the planning and execution of all investigations. In 2009-10, the Commission reviewed its performance measurement framework and performance targets, based in part on the results of the *critical path review. The recommendations regarding process and timing resulting from the review of the critical path have been implemented as well as being factored into refinements to targets within the performance measurement framework.

*The Commission's critical path is a model which sequences the interdependent activities and general time parameters involved from the time a request for a conduct complaint review/interference complaint is received by the Commission until the Commission produces its Final Report to all parties. The critical path enables effective management and control of investigations or reviews and it facilitates their completion. Each individual investigation or review adapts the critical path model to its unique requirements and realities.

Operate Effectively

The Commission reviewed its performance measurement framework and performance targets, based in part on the results of the critical path review. The recommendations regarding process and timing resulting from the review of the critical path have been implemented as well as being factored into refinements to targets within the performance measurement framework.

A two-day Operations Workshop was held for Commission lawyers, investigators, registry staff and other operational staff to review current operational practices and procedures; to examine "best practices", and other professional standards which could be adapted to the Commission to even further enhance the effectiveness of its performance of oversight; and to examine opportunities to streamline and/or simplify practices and procedures while still maintaining the appropriate evidence and document management control and other security protocols.

The Commission developed and delivered a Security Program Workshop for employees. The purpose of the Workshop was to ensure and to further reinforce compliance with the Policy on Government Security and to ensure a common understanding of security roles, responsibilities and accountabilities within the Commission generally, and more specifically for those Commission personnel involved in Public Interest Hearings.

The Commission also took a number of measures to support the operational and administrative effectiveness of the Afghanistan Public Interest Hearings:

- strategic decisions were taken to adjust already limited accommodation to provide the appropriate secure work and storage spaces as well as to optimize Commission boardrooms as the official on-site location for Hearings; this has streamlined a number of logistical issues such as security and access to technology; minimized costs; optimized the deployment of human resources;
- further strengthening registry/information management protocols to ensure orderly and secure management of a high volume of sensitive, complex evidence and legal and other documents;
- meeting increased media demands for information;
- employee training initiatives to ensure awareness of security policies, procedures, roles and responsibilities and other related requirements; and
- examination and implementation of information technology capabilities.

Cost Control

Because the Commission does not control the number, the complexity or the timing of the complaints it receives, it must be able to increase its operational capacities with very little advance notice while maintaining control over the costs of investigations. The Commission continued to use external subject matter experts to supplement its own internal resources.

The Commission also continued to use its roster of contract investigators to facilitate matching the type of complaint with investigation requirements and investigator skill sets. Existing billing practices and a fee structure established for investigators minimize costs and prevent downtime. The Commission advertises potential contract opportunities on its website for both investigators and lawyers. This also provides for increased transparency and openness regarding contracts.

Increase Transparency of Commission Operations

The Commission must ensure that its mandate, roles and responsibilities, and complaints resolution processes are well known among its stakeholders: the Military Police, the Canadian Forces and Canadian citizens in general. Through its Outreach Program, the Commission visited five Canadian Forces bases across Canada (Gagetown/Moncton, Ottawa, Kingston, Borden/Meaford and Winnipeg (JTFW)) in 2009-10 and dialogued with key stakeholders on these topics. The Commission also received valuable feedback that will enable it to further tailor these presentations to the appropriate audiences.

In addition, to further reinforce the transparency of its operations, the Commission:

- shared its professional experience and expertise at the oversight conferences, domestically and internationally, and in other venues: in Ottawa, at the Canadian Association for Civilian Oversight for Law Enforcement which the Commission also hosted; in Jordan, at the First International Workshop on Independent Civilian Oversight, hosted by the United Nations Development Programme (UNDP), Iraq; in Brazil, at the First International Seminar on Oversight Evaluation and Quality Performance of Social Defence Systems; and the General Counsel gave a presentation to a university military law class.

- effectively met significantly increased media and other demands from within and outside government for information related particularly to its high profile Public Interest Investigations and Hearings; throughout 2009-10, the Commission provided timely, open press releases, backgrounders and other documents, including updates on its website and individually tailored responses as required.

- complied with reporting requirements to Parliament and central agencies through the preparation and submission of a range of strategic documents including timely, accurate external financial reporting, as well as reporting on compliance with other legislative requirements.

Cooperation

The Commission requires the cooperation of its stakeholders and partners to be successful. For example, a Final Report cannot be issued until the appropriate authority in the military or defence hierarchy has provided a response to the Commission's Interim Report and recommendations for improvements. The fact that for the 4th year in a row, 100% of its recommendations were accepted and implemented reinforces existing productive working relationships.

The Commission also continued to cooperate in various intra-government initiatives through its affiliation with other Small Agencies' sharing expertise and experience to seek operational and administrative solutions to common problems. For example, these include the Heads of Federal Agencies, the Small Agencies Personnel Advisory Group, the Shared Services Working Group and the Burden of Reporting Working Group.

On December 1, 2009, the Commission celebrated its tenth anniversary providing independent civilian oversight of the Military Police. Over the past decade, the Commission's work has had an important impact on promoting and ensuring the highest standards for military police conduct. During this time, the Commission monitored nearly 500 CFPM investigations and issued 153 interim/final/concluding reports from Commission investigations and reviews.

Its oversight leadership has been demonstrated in many ways e.g. through leadership of, and contributions to, civilian oversight organizations; through its special reports and briefs on legislative matters; and through the sharing of its professional experiences and expertise, nationally and internationally.

In addition, through its investigation of specific cases, the Commission has contributed to clarifying and strengthening operational policies and procedures in areas such as the Military Police structure and role; conflict of interest and interference; chain of command/supervisor accountability; duty owed to complainants and subjects of investigations; and escort and transport of vulnerable detainees; the need to offer service in either of the official languages at the start of an investigation; involvement in family and civil matters; and the conduct of surveillance and interviews.

PRIORITY 2 – Improving Governance: The Commission continues to seek ways to work more efficiently, in compliance with the requirements of both the Commission and the central agencies while ensuring that its resources are applied in a manner to achieve the best results.

Highlighted below in bold are the six planning elements contained in the Commission's 2009-10 RPP to support the achievement of PRIORITY 2, along with a summary paragraph (s) of related performance and activities carried out for each of these elements.

Management Accountability Framework (MAF)

The Commission has implemented the various recommendations flowing from the MAF assessment. For example, the Commission has developed various management frameworks to further strengthen its operations such as a Financial Management Framework, an Audit Framework, a Privacy Framework, an Information Management Framework, a Strategic Planning and Reporting Framework, and a Security Framework which clearly identify governance, roles and responsibilities; and aligned the Report on Plans and Priorities (2009-10) to ensure appropriate linkages between program activity-level performance and achievement of the organization's strategic outcome and evidence-based information.

Planning and Reporting:

The Commission continued to access private and government resources to supplement its internal resources, for the cost effective delivery of human resources, access to information and privacy, records management and web services.

Human Resources:

The Public Service (PS) Employee Survey is an employee opinion survey of all Federal public servants about employee engagement, leadership, workforce and workplace conditions in the public service at large, in their organizations and in their work units. All employees of the Commission were invited to participate in this survey which was

conducted between November 3 and December 5, 2008 (results were received in the 2009-10 fiscal year). The Commission was part of the Judicial Portfolio (JP) comprised of 7 organizations including e.g. Canadian Human Rights Tribunal, Office of the Commissioner for Federal Judicial Affairs, and the Canadian Forces Grievance Board.

The results of this Survey were received in 2009-10. The Commission's participation rate was 100% of current employees (compared to 85.7% in 2005). Highlights of the survey's results for the Commission included:

- Overall Commission results were much higher than the JP average e.g. 94% of Commission employees said they liked their job compared to 87% for JP
- 94% of Commission employees said they have confidence in their senior leadership and that senior management makes effective and timely decisions (JP 72% and PS 64% respectively)
- 80% of Commission employees responded that they are satisfied with their career progress in the Public Service versus JP 52% and PS 42%
- Every respondent at the Commission felt that the people in the organization readily share information with others versus JP 81% and PS 60%. They know their work contributes to the achievement of their organization's goals; and they believe every member within their work unit, regardless of race, colour, gender or disability is accepted as an equal member of the team.

Due to the Survey's positive results, there were a limited number of items requiring follow-up action. However, the Commission developed an Action Plan to address those items that did require follow-up such as the need for employee learning plans. The results will be integrated into the Commission's Human Resource Framework in 2011-12 when it is due to be updated. In addition, the Commission conducted a team building and planning exercise for all staff to determine if other opportunities existed to further strengthen human resource management and the working environment in general.

Evergreening Program:

The Commission continued to manage its Evergreening Program for information technology assets and expanded the Program to include capital and other assets.

Risk Management and Management Review:

The Commission conducted two internal reviews:

- A Phase I – Gap Analysis was completed to assess the information technology (IT) and information management (IM) environments, as well as the adequacy of processes and procedures, infrastructure, operations and compliance with government policies and standards. Items identified in Phase I required for further action in Phase II which included an update of the IT & IM Frameworks, Business Continuity Plan and ensuring compatibility with other existing systems. Phase II of the management review is ongoing.

- A management review of its Performance Measurement Framework was undertaking to review its Program Activity Architecture (PAA), Strategic Outcome and key performance indicators. Since completion of the review, the Performance Measurement Framework has been revised to identify clear governance, roles and responsibilities, linkages to the Program Activity Architecture, a revised Strategic Outcome along with measurable performance indicators.

Financial Control:

The Commission accepted and implemented the recommendations from the following three audits:

- contracting for professional services: action was taken to enhance the transparency of the Commission's contracting for professional investigators and legal services through posting of such opportunities on the Commission's website;
- expenditure controls of high risk payment: action was taken to develop a risk matrix to address key control issues; and
- travel and hospitality: action was taken to ensure that Commission policies and procedures reflect relevant central agency requirements.

As a result of the audits, the MPCC updated its Financial Management Framework and procedures.

In 2009-10 the Commission received a Grade A related to its submission of 100% of its financial statements accurately and on time.

2.5 Lessons Learned

The Commission continues to learn from both its operational and administrative experiences and from its collaborations with partners and stakeholders. For example, the Commission collaborated in a working group with representatives of other Administrative Tribunals and developed common protocols for the website publication of tribunal decisions; and in partnership with three Administrative Tribunals, the Commission sought and obtained approval from the Federal Court to serve as intervenors in a specific case between and individuals and a government agency involving privacy concerns.

The Commission also continues to broaden its knowledge of the many challenges faced by the military police through the delivery of its outreach program at Canadian Forces' bases; and the Commission continues to adapt its outreach program to accommodate valuable feedback received from program participants.

Operational and administrative experiences have also reinforced the need for flexibility to address changing priorities and increasingly complex workload and lengthy

investigations which are difficult if not impossible to forecast. This includes those investigations held in the Public Interest such as the Afghanistan Public Interest Hearings. These Hearings created enormous logistical, financial, human resource, administrative and other challenges which the Commission addressed and from which the Commission learned a great deal.

SECTION III – SUPPLEMENTARY INFORMATION

3.1 Financial Highlights

The financial highlights presented within this DPR are intended to serve as a general overview of the Commission's financial position and operations. The Commission financial statements can be found on its website at: http://www.mpcc-cppm.gc.ca/300/300-eng.aspx

In examining the financial position and operations of the Commission, the most notable change over the previous year is the increase in financial activity due to the additional funding received for the public interest hearing. Traditionally, the Commission is authorized to spend approximately $3.4 million, spends approximately $2.9 million and returns approximately $500 thousand to the Consolidated Revenue Fund.

In 2009-10, the Commission was authorized to spend $6.99 million, spent $4.68 million and returned $2.31 million to the Consolidated Revenue Fund. The increases are due almost entirely to the public interest hearing. The supplementary funding received for the public interest hearing was $3.22 million of which $1.4 million was expended.

The tables below illustrate the increases over the previous year.

For the Period ending March 31, 2010.

Condensed Statement of Financial Position

	($ thousands)	Percentage variance	2010	2009
Assets	Total Assets	38%	248	180
Liabilities	Total Liabilities	28%	1,052	824
Equity	Total Equity	(25)%	(804)	(644)
TOTAL		38%	248	180

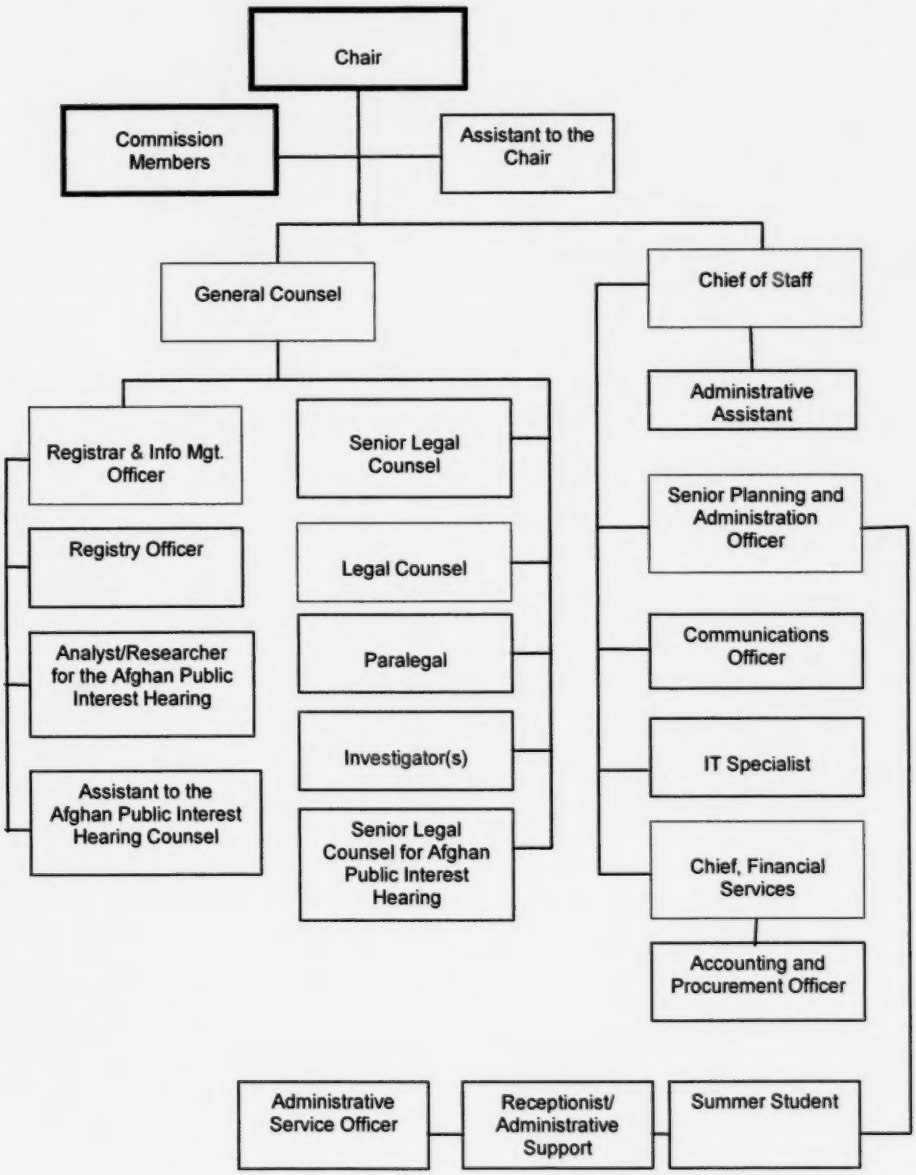
For the period ending March 31, 2010.

Condensed Statement of Financial Operations

	($ thousands)	Percentage variance	2010	2009
Expenses	Total Expenses	15%	4,676	4,072
Revenues	Total Revenues	-	-	-
NET COSTS OF OPERATIONS		15%	4,676	4,072

3.2 Organizational Information

The following organizational chart represents the Commission in relation to the restructuring of its program activities.



How to reach the Commission

- Call our information line:
  (613) 947-5625 or toll free at 1-800-632-0566

- Send us a fax:
  (613) 947-5713 or toll free at 1-877-947-5713

- Send us a letter:
  Military Police Complaints Commission
  270 Albert Street, 10th Floor
  Ottawa, ON K1P 5G8

- Visit us at the above address for a private consultation – appointments are recommended

- E-mail us:
  commission@mpcc-cppm.gc.ca

- Visit our website:
  www.mpcc-cppm.gc.ca

- Media inquiries:
  (613) 947-5668 or e-mail media@mpcc-cppm.gc.ca